

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:

JON DOUGLAS FIANT  
AND  
MELANIE DIANE FIANT,

Debtors,

CASE NO.: 15-69000-JWC

CHAPTER 13

**RESPONSE TO TO MOTION TO SELL REAL PROPERTY**

COMES NOW, U.S. BANK NATIONAL ASSOCIATION, as Trustee for NRZ PASS-THROUGH TRUST IX (the "Secured Creditor"), by and through its undersigned counsel, submits this Response to the Debtor's Motion Sell Real Property [Doc. 60] (the "Debtor's Motion"), and respectfully states as follows:

1.

The Secured Creditor holds a valid security interest in the debtor's real property located at 1829 Tree Top Court, Marietta, GA 30062 (the "Property"), by virtue of duly recorded Security Deed with Cobb County, GA, encumbering the Property and securing a certain Note in the principal amount of \$132,000.00. The loan was subsequently assigned and transferred to the Secured Creditor.

2.

On October 3, 2015 (the "Petition Date"), the debtors, John Douglas Fiant and Melanie Diane Fiant (the "Debtor") filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code.

3.

On February 17, 2016, a proof of claim (“Claim No. 5-1”) was filed on behalf of the Secured Creditor evidencing a secured claim as of the Petition Date in the amount of \$110,805.36.

4.

The Secured Creditor has no objection to the proposed sale set forth in the Debtor’s Motion provided that the proceeds from the sale will be sufficient to pay the full amount of the secured claim at closing.

5.

The Secured Creditor requests that the Debtor’s counsel obtain a payoff from the Secured Creditor in advance of the proposed sale to facilitate the full payment of the secured claim.

WHEREFORE, the Secured Creditor respectfully submits this Response to the Debtor’s Motion, and for such other and further relief as the Court may deem just and proper.

**RAS CRANE, LLC**

/s/ Cristina DiGiannantonio

Cristina DiGiannantonio

Attorney for Creditor

Georgia Bar # 893510

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on July 9, 2018 I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

Jeffrey B. Kelly  
Law Office of Jeffrey B. Kelly, P.C.  
107 E. 5th Avenue  
Rome, GA 30161

Jon Douglas Fiant  
1829 Tree Top Court  
Marietta, GA 30062

Melanie Diane Fiant  
1829 Tree Top Court  
Marietta, GA 30062

Nancy J. Whaley  
Standing Ch. 13 Trustee  
303 Peachtree Center Avenue  
Suite 120, Suntrust Garden Plaza  
Atlanta, GA 30303

DATE: July 9, 2018

**RAS CRANE, LLC**

/s/ Cristina DiGiannantonio

Cristina DiGiannantonio

Attorney for Creditor

Georgia Bar # 893510

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